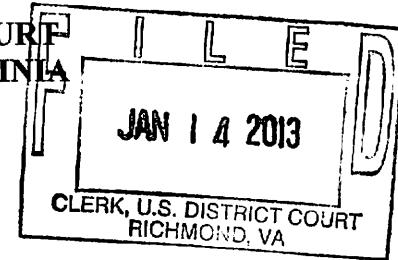


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



JACKIE E. LEWIS, SR.)
Plaintiff,)
v.)
ASSET ACCEPTANCE, LLC)
SERVE: CT Corporation System)
4701 Cox Rd., Ste. 301)
Richmond, VA 23060)
Defendant.)

CIVIL ACTION NO.

3:13CV036

COMPLAINT

COMES NOW the Plaintiff, Jackie E. Lewis, Sr. ("Lewis" or "Plaintiff"), by counsel, and as for his Complaint against the Defendant, he alleges as follows:

1. This is an action for statutory damages brought pursuant to 47 U.S.C. § 227, *et seq.* (the Telephone Consumer Protection Act or "TCPA").

JURISDICTION

2. Jurisdiction is proper pursuant to 47 U.S.C. § 227 and 28 U.S.C. § 1331.

PARTIES

3. Plaintiff is a natural person and at all times relevant to this complaint was a "person" as defined by the TCPA.

4. Defendant Asset Acceptance, LLC, ("Asset Acceptance"), is a Delaware limited liability company with its principal place of business located in Warren, Michigan. It regularly collects debts from consumers located across the Commonwealth of Virginia.

STATEMENT OF FACTS

5. The Defendant claims that one or more debts owed by the Plaintiff were consigned, placed or otherwise transferred to Defendant for collection.

6. Upon information and belief, at all times relevant to this complaint, the Defendant and/or its agents has used, controlled, and/or operated "automatic telephone dialing systems" as defined by the TCPA.

7. Within the four-year period preceding the filing date of this Complaint, the Defendant engaged in the practice of placing numerous, repeated and harassing phone calls to Plaintiff's cell phone using a combination of automatic telephone dialers, predictive dialers, and prerecorded voice messages, without his express consent.

8. These calls were placed in violation of the TCPA.

9. The Defendant is well aware of the requirements of the TCPA as it has been sued in countless cases. Defendant is aware that autodialed calls cannot be placed to cell phones without the consumer's prior express consent. It nonetheless continues to use its dialer system, as this is a more cost effective way of collecting debts.

10. Plaintiff never gave consent for the Defendant to place autodialed calls to his cell phone.

11. The Defendant knew that the Plaintiff did not consent to the Defendant's use of a dialer system to call his cell phone.

12. Despite this knowledge, Defendant continually violated the TCPA with respect to the Plaintiff by placing numerous and repeated autodialed calls to his cell phone without his prior express consent.

13. Therefore, Defendant's violations of the TCPA were willful and Plaintiff is entitled to treble damages under 47 U.S.C. § 227(b)(3).

COUNT ONE:
VIOLATION OF 47 U.S.C. § 227(b)

14. Plaintiff restates each of the allegations in the preceding paragraphs as if set forth at length herein.

15. The Defendant willfully violated the Telephone Consumer Protection Act, 47 U.S.C. § 227(b) by its actions, which include, but are not limited to, making one or more calls using an automatic telephone dialing system or artificial or pre-recorded voice to the Plaintiff's telephone number assigned to a cellular telephone service without the Plaintiff's express consent.

16. In the alternative, the Defendant negligently violated the Telephone Consumer Protection Act, 47 U.S.C. § 227(b) by its actions, which include, but are not limited to, making one or more calls using an automatic telephone dialing system or artificial or pre-recorded voice to Plaintiff's telephone number assigned to a cellular telephone service without the Plaintiff's express consent.

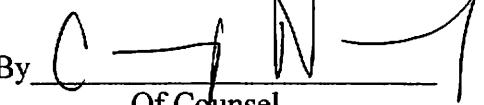
17. The Plaintiff suffered actual damages as a result of these calls.

18. The Plaintiff is therefore entitled to an award of actual, statutory and treble damages against the Defendant, pursuant to 47 U.S.C. § 227(b)(3).

WHEREFORE, Plaintiff demands judgment pursuant to the Telephone Consumer Protection Act, and such other relief the Court deems just, equitable, and proper.

TRIAL BY JURY IS DEMANDED.

Respectfully submitted,
JACKIE E. LEWIS, SR.

By 
Of Counsel

JANELLE E. MASON, VSB No. 82389
MATTHEW J. ERAUSQUIN, VSB No. 65434
CASEY S. NASH, VSB No. 84261
Counsel for the Plaintiff
CONSUMER LITIGATION ASSOCIATES, P.C.
1800 Diagonal Road, Suite 600
Alexandria, VA 22314
Telephone: (703) 273-7770
Facsimile: (888) 892-3512
janelle@clalegal.com
matt@clalegal.com